MR. BALDWIN: And you'll present that to the secretary in writing, please?

MS. CORN: Do you want me to copy it right now or after it gets voted?

MR. COOPER: Right now.

MR. COATES: Mr. Chairman?

MR. BALDWIN: Delegate Coates?

MR. COATES: I have a point of order as to the appropriateness of the amendment at this point. It's my recollection that in the action of the convention with respect to the article from the executive, we provided that the governor would make appointments.

MS. CORN: Except for judicial and legislative positions; that's very clear. That was under Executive.

MR. BALDWIN: I'm sorry, delegate Coates. It is your understanding that --

MR. COATES: The executive would make appointments to fill vacancies occurring.

MR. BALDWIN: The delegate of the executive article --

MS. CORN: Excuse me. May I --

MR. BALDWIN: No, no. Delegate Simmons?

MS. SIMMONS: Upon advice and consent, that is correct.

MS. CORN: No, it isn't.

MS. SIMMONS: What we provided for was state senators; I'm sorry.

MR. BALDWIN: I think in the future, the secretary should have an adopted article -- you know, those articles that have been adopted. They keep referring back to them, and everyone is saying the authority of what's in there and it just delays us. So, in the future, if we can have a copy, you know, of those that have been adopted, then we could refer to what was adopted and what was not, because in the absence of that I'm going to call all of that out of order since we don't have any --

MS. CORN: Excuse me, Mr. President.

MR. BALDWIN: No, you do not have the floor, delegate.

MS. CORN: Point of order, Mr. President. If you'll give me a minute, I will read it to you from the executive branch article.

MR. BALDWIN: There's no point; there's nothing on the floor at this point. So, what you should do is get your motion ready so we can get it on the floor.

MS. CORN: My motion is ready; I moved it.

MR. BALDWIN: There's nothing on the floor yet.

He'll read it, we'll see if we have a second, and we'll discuss your motion.

MS. CORN: Okay. On line 21, delete the words "as provided by law," and add the words, "a special election to be held within 60 days, unless a general election will be held within 90 days, at which time the vacancy will be filled." So, therefore, the whole sentence will then read, "When a vacancy" --

MR. BALDWIN: Just a second, delegate Corn; we understand. You're supposed to say what you want amended, and then I'll see if we can get a second and then the secretary will read the motion. We have it.

Is there a second to delegate Corn's amendment?

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded. Is there discussion?

MS. CORN: May I speak to my motion?

MR. BALDWIN: Delegate Mason?

MR. MASON: I rise in opposition to the amendment, and point out that under present law a special election is held 114 days after the occurrence of the vacancy, plus enough days to make it a Tuesday. I don't say there's anything perfect about 114 days, but I do say that 60 days is too

short because there has to be time to print the petitions, to circulate the petitions, to get the petitions in, to print the ballots, to mail the ballots to overseas locations, et cetera. Sixty days is simply not enough.

MS. CORN: Sir, may I amend my motion, then?

MR. BALDWIN: Mr. General Counsel, it would be appropriate at any time, if you have any analysis of any of these sections, to speak up and share them with the body.

MR. THOMAS: I don't have any.

MR. BALDWIN: Okay, thank you.

MS. CORN: I would be glad to amend my motion to make it say 114 days.

MR. MASON: 114, plus enough days to make it a Tuesday.

MS. CORN: 114 days, plus enough to make it a Tuesday, or if the general election is coming within 150 days -- something like that.

(Laughter.)

MR. KAMENY: Gloria, leave it "by law."

MS. CORN: 114 days, plus enough days to make it a Tuesday.

MR. KAMENY: Leave it "by law."

MR. COOPER: Was that 60 or 90?

MS. CORN: Sixty, and take out from then on in. So, it reads, "at a special election to be held within 114 days, or the first Tuesday thereafter, unless a general election will be held within 160 days, at which time the vacancy will be filled by the election of a new legislator."

MR. BALDWIN: Secretary Cooper, do you have her new motion?

MR. COOPER: No. I was talking.

MS. CORN: "At a special election to be held within 114 days, or the first Tuesday thereafter, unless a general election will be held within 160 days, at which time the vacancy will be filled."

Now, it has been moved and seconded. May I speak to my motion?

MR. BALDWIN: Delegate Oulahan?

MR. OULAHAN: I'm going to speak in opposition. I don't want to --

MR. SCHRAG: Point of order. Has this been seconded?

MS. CORN: Yes, it has.

MR. BALDWIN: Yes. Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I rise in opposition. This is the perfect example of what we discussed last night, writing complicated amendments on the floor of this body which

could have been presented in writing well in advance and we could have a copy in front of us.

Also, I think this is the kind of thing that ought to be left to the legislature to work out, once the legislature gets into session.

MS. CORN: May I speak to my motion?

MR. BALDWIN: Delegate Corn, delegate Garner, and delegate Maguire.

MS. CORN: First of all, I was not here last night, but that does not preclude introducing complicated motions orally here and now. If your minds are closed just because something isn't in writing before you and you're not willing to listen to the logic of something, I can't help you. And it wouldn't matter how many times you saw it in writing before you; chances are, you wouldn't read it anyhow.

MR. BALDWIN: Delegate Corn, you're out of order.

MS. CORN: May I now present the point that I really wanted to present?

The reason that I want special elections is that if the governor does not appoint somebody on an interim basis and therefore creates an incumbency -- I'll give you the perfect example. The first time John Ray got on the City Council was by appointment of the Mayor. Interestingly

enough, John Ray is now running again for Mayor. Had that election been an open election, maybe Mr. Ray would have won and maybe he wouldn't, but by being put in there as an incumbent, his seat was virtually guaranteed in the first election he did have to run in.

MS. EICHHORN: Point of order, Mr. President.

MR. BALDWIN: State your point of order, please.

MS. EICHHORN: I'd like to correct the record. Mr. Ray was appointed by the D.C. Democratic State Committee.

MR. LONG: Point of order.

MR. BALDWIN: That's not a point of order. The Chair will proceed with -- who's next, please?

MS. HARRIS: Mr. Garner.

MS. CORN: He still ran as an incumbent.

MR. BALDWIN: Delegate Garner?

MR. GARNER: I urge you to vote against this complicated, uncertain language. I have an amendment which has been given to the Chair which is short and sweet and serves the purpose of making this article consistent with the article on recall. Thank you.

MR. BALDWIN: Delegate Maguire?

MS. MAGUIRE: I call the previous question.

(The motion was duly seconded.)

MR. BALDWIN: Delegate Brian Moore and delegate Hilda Mason.

MR. B. MOORE: Just a point of information, Mr. Chairman. As it states her now under vacancies provided by law, does one assume that that means that the legislature --

MR. TERRELL: Yes, that's what it means.

MR. KAMENY: They provide the laws.

MR. B. MOORE: Yes, but it doesn't necessarily mean that the governor would appoint a replacement.

MR. KAMENY: It depends on what the legislature --

MR. B. MOORE: They can say what was just offered here?

MR. TERRELL: That's right.

MR. B. MOORE: Thank you.

MR. BALDWIN: Delegate Hilda Mason?

MS. MASON: Mr. Vice President, I rise to speak against the motion. The very fact that the section of the law which is now in effect was lifted out and put into this says that we do not need to write legislation as we write a constitution. I appreciate the intent of the mover of the motion, but I have been asked by a lot of people in the District of Columbia, "Why are you writing legislation while you're writing a constitution?" I would hope that we would

avoid that, and I urge people to vote against this. I hope the mover of the motion understands my comments. Thank you.

MS. MAGUIRE: Point of order, Mr. President.

MR. BALDWIN: State your point of order, please.

MS. MAGUIRE: I'd like to know for future reference, when somebody calls the previous question and is seconded, why is that out of order?

MR. BALDWIN: The previous question, according to our rules, is only in order when the following exists. At least must have spoken for, at least two must have spoken against, and then that motion then would be in order. So, when you raised the point of order, we had not met that rule, you know, of two for and two against.

MS. HARRIS: You need somebody that is for it now.

MR. BALDWIN: What is it now?

MS. HARRIS: Three people against, and one for.

MR. BALDWIN: She says so far, the records are three against and one for. As soon as we meet that rule, then your motion would be in order.

MS. HARRIS: One more "for."

MS. MAGUIRE: Couldn't you ask for somebody who is for it?

MR. BALDWIN: Delegate Jordan?

MR. JORDAN: Mr. Chairman, I thought it only applied in terms of cutting off debate if a speaker wanted to --

MS. SIMMONS: That's right.

MR. JORDAN: If you have no one else who wants to talk, then it would be in order.

MR. BALDWIN: But there are people who want to talk.

MR. JORDAN: No, I mean against.

MR. BALDWIN: But I can't determine, though, when I see hands up whether they're against or not.

Delegate Rothschild?

MR. ROTHSCHILD: I would like to speak in favor of the motion. I think it's a very important principle that it be clearly stated within this document that the executive is to stay out of the business of appointing people to vacancies in the legislature.

People may not like the language and the details with which the motion was made, and may wish to offer a substitute, more simplified motion. But having nothing else in the alternative, I definitely support this motion.

To speak to the fact of putting too much detail in the constitution, we have already done that with initiative, referendum and recall. Now, I'm not saying that having done it once, we should do it again. But I think if we're talking

about detail, I find this much more of an appropriate place to speak to some detail. So, I support the motion.

MR. BALDWIN: Delegate Maguire, your motion is in order, if you wish to make it at this point.

MS. MAGUIRE: I'd like to call the previous question.

(The motion was duly seconded.)

MR. BALDWIN: The question has been called for. Those in favor of the amendment, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(A chorus of "nays.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The motion was rejected.

MS. CORN: Sir, I have a second amendment on this section.

MS. HARRIS: No; that's enough.

MR. COOPER: He told her she could make a second amendment.

MR. BALDWIN: At this point, will you read, Mr. Secretary, our rules from last night -- how it dealt with second amendments and first amendments? Delegate Corn, as well as we know, continued to bring up five or six motions to

one section, and we just need to get the rules straight -- what this body had decided on last night when she was not here.

MS. HARRIS: Garner is next.

MR. BALDWIN: Delegate Garner, you have an amendment?

MR. GARNER: I do, sir.

MR. BALDWIN: Yes?

MR. GARNER: I'll let the secretary have it. Delegates, that amendment reads, "When a vacancy due to death, resignation, removal or impeachment occurs in the Senate, it shall be filled as provided by law. A vacancy which occurs due to a successful recall election shall be filled as provided for in article _____," the section we have adopted on recall.

(The motion was duly seconded.)

MR. GARNER: Mr. Chairman, this makes for a very simple procedure; it adopts the understanding we have under the section for recall, and it permits for provision, as suggested by delegate Mason, that the legislature can provide for other ways of filling vacancies.

This is short, sweet, simple and clear language which I hope no delegate will find objection to.

MR. BALDWIN: Delegate Kameny?

MR. KAMENY: Yes. I rise in opposition to this because it's totally unnecessary. Law is law, whether it comes from the legislature or from other portions of the constitution. If provisions for filling a vacancy through a recall are found in other provisions in the constitution, that is, by law, in effect.

Other areas are done by law here, so what you are proposing is quite unnecessary and is already covered. There are no gaps in anything when we adopt this language.

MR. BALDWIN: Delegate Garner?

MR. GARNER: It is possible that if the language is adopted here, it could be understood such that the governor could fill a vacancy caused by a successful recall prior to the special election provided for that purpose. The intention of this language is to make it clear that, by law, other vacancies can be filled. But when vacancies are caused by recall, it shall only be done as provided in the section on recall.

That is my intention, Dr. Kameny, and I believe that is a gap that needs to be addressed.

MR. BALDWIN: Delegate Rothschild and delegate Mason.

MR. ROTHSCHILD: Point of information. I'm having

trouble understanding the entire intent of your -- in the section on recall, in other words, under the amendment you're making would the governor be permitted to appoint somebody in the interim between the recall being successful and the incumbent being taken out and the election to follow? Would the governor have the ability --

MR. GARNER: Not only does my language prohibit that; it makes it clear that this language here which might permit that is not correct. It makes it so the governor may not fill the appointment when it's recalled.

MS. HARRIS: Delegate Mason?

MR. MASON: I rise to point out that people have kept referring to the governor in some way getting involved in this. I do not think whatever is provided by law, including appointment by the governor for a short time or for a long time or for any other time, goes with the separation of powers principle.

I know of no state where the governor appoints anybody to the state legislature. We do have situations where governors appoint people temporarily to the United States Senate, but that is a legislative body of a different authority. I do think, no matter what law is provided, that the governor would be part of the action. The only thing that

could be provided by law would be when there would be a special election or whether there would some interim appointment by a party state committee. I can't conceive of a lawful delegation of that power to the governor.

MR. BALDWIN: Delegate Corny -- I'm sorry; Bruning.

(Laughter.)

MR. BALDWIN: A freudian slip.

MR. BRUNING: No apology required. I call the previous question.

(The motion was duly seconded.)

MR. BALDWIN: The question has been called for, but the committee would like to respond.

MR. T. MOORE: I think that the committee debated this question very thoroughly, and we went right to the model constitution and, almost verbatim, we picked the language out of the model constitution.

Further, I speak in opposition. I think we should have an independent legislature. I don't know whether we are hostile or not, but we seem to restrict the legislative branch. Autonomy in legislative activities reflect measures of legislative control.

In many instances, basic conflicts are not between the legislative and executive interests and prerogatives, but

between legislative automony and overly-restrictive constitutional provisions concerning legislative matters. There should be a high degree of automony over legislative affairs. The frequency and duration of legislative sessions, and the like which we are doing here today, ought not to be limited by constitutional provisions.

So, I just wanted to throw this out in opposition, and also move this body on ahead. Let's move on and stop all these restrictions. Thank you.

MR. BALDWIN: Those in favor of the amendment, signify by a show of hands.

MR. COOPER: Three.

MR. BALDWIN: Those who oppose, likewise.

MR. COOPER: Twenty-one.

MR. BALDWIN: Any abstentions?

(No response.)

MR. TERRELL: No other amendments?

MR. BALDWIN: No other amendments.

MR. TERRELL: Mr. Vice President, I move the adoption of section --

MR. BALDWIN: Just a second. I see a hand. Delegate Corn?

MS. CORN: There is another amendment on the floor,

I believe.

MR. BALDWIN: It's not on the floor.

MS. CORN: Well, I would like it to be.

MR. BALDWIN: Delegate Rothschild?

MR. ROTHSCHILD: Yes. I would like to move that a substitute motion for Section 8 read as follows, "No vacant legislative seat shall be filled except by election as provided by law."

(The motion was duly seconded.)

MR. ROTHSCHILD: The intent of the motion, basically, is to leave it up to the legislature to work out the details, so we don't strap them with the details of how many days and when it should be done, and all that. But, again, it's to make a clear statement that we want elections; we don't want appointments to these positions. We want a separation of power, and we are not tying them up with a lot of detail, but we are sending a clear-cut message that it's to be filled only by election and not by appointment. Thank you.

MS. CORN: May I speak for it?

MR. BALDWIN: Delegate Mason?

MS. MASON: Mr. Vice President, I rise to speak against this if only for one reason. We have approved a body of 40 people, and that means you're going to spend money

every time you have a vacancy in order to fill that vacancy with a special election. I think that is unreasonable and a burden on the residents of the state.

MR. BALDWIN: Would the committee like to speak to it?

MR. TERRELL: No.

MS. CORN: May I speak?

MR. BALDWIN: Delegate Garner?

MR. GARNER: I move to table.

(The motion was duly seconded.)

MR. COOPER: That's a waste.

MR. BALDWIN: I think the Chair should interpret what "lay on the table" means. If you move to table the main motion and the amendments thereof, it means you're tabling the whole thing. So, you would be, in fact, tabling Section 8 and it would have to be brought up from the floor.

I'll ask the parliamentarian for an interpretation.

MR. LINDO: That's okay.

MR. BALDWIN: The parliamentarian says that's true.

MR. LONG: I rise to a point of order.

MR. BALDWIN: Your point of order, sir.

MR. LONG: A motion to table applies only to what is before the body.

MR. BALDWIN: You're out of order. The parliamentarian has ruled.

MR. LONG: I'm not out of order. I disagree with the parliamentarian.

MR. BALDWIN: The parliamentarian has ruled.

MR. LONG: I will cite the rule.

MR. BALDWIN: The parliamentarian has ruled, and we will accept it.

Is there any other discussion?

MS. CORN: I'd like to speak.

MR. GARNER: Mr. Chairman, is it appropriate to move to override the ruling of the Chair?

MR. BALDWIN: Pardon?

MR. GARNER: Is it appropriate at this point -- this issue at this point is not important, but the motion to table --

MR. BALDWIN: What is it that the Chair ruled on that you're going to override?

MR. GARNER: That the motion to table applies to all motions, main and amendments that are on the floor. I believe the Chair just ruled --

MR. BALDWIN: I checked with the parliamentarian and he said yes.

MR. GARNER: Is it appropriate at this point to move to override the Chair or to discuss that issue?

MR. BALDWIN: The rules regarding an appeal -- yes, you may, but the rules are as follows. You would appeal and you would state your appeal. I, in turn, then would put up my defense. There will be no debate from any other delegates and then we would vote, and it would take a two-thirds vote.

MR. GARNER: Yes, sir.

MR. BALDWIN: So, bring your appeal on, sir.

MR. GARNER: I would ask delegate Long to read the section.

MR. BALDWIN: No, no, that's not your appeal. You will put it in the form of a motion, and you speak through the Chair. Now, you have an appeal or you don't. If you have an appeal, state it.

MR. GARNER: Yes, sir, Mr. Chairman. Roberts Rules of Order --

MR. BALDWIN: That's not an appeal. I will allow you once more to state an appeal. It has to be in the form of a motion, and then you have to state what it is.

MR. GARNER: I move to override the ruling of the Chair.

MR. BALDWIN: Now, state your reasons, sir.

MR. GARNER: The reason is that Roberts Rules of Order is very clear. When an amendment is on the floor and you move to table that amendment, only that amendment is tabled. Under certain motions, such as orders of the day or --

MR. BALDWIN: Wait a second, please. Get your Roberts Rules of Order and read to the body.

MR. GARNER: Delegate Long has that copy. I will read it to you, sir.

MR. LONG: I don't have it.

MR. BALDWIN: He hasn't been able to find it.

MR. GARNER: We read it last night.

MR. BALDWIN: Once it comes to the Chair, I will find mine in Roberts Rules of Order. So, the burden is on you. If you can't find it, your motion is out of order. We aren't here for play. When you appeal the Chair, you have to know what you're talking about.

MR. GARNER: I know what I'm talking about, Mr. Chairman.

MR. BALDWIN: Well, since you can't find it, the body will move on. If and when you find it, everything will be okay.

MS. CORN: May I speak for delegate Rothschild's motion?

MR. BALDWIN: Now, we're back to Rothschild's amendment, and delegate Corn has asked to speak.

MS. CORN: I would speak in favor of the amendment for a number of reasons. First of all, this guarantees that there will not be an incumbent that has been appointed. This way, neither a political party nor the governor nor anyone else can sit somebody in a seat even a month before that general election might occur. No incumbents have been created; they have to win their seat, pure and simple, like anybody else.

Second, the thing that Ms. Mason brought up that this would be constantly putting the electors into special elections and creating a great deal of expense is absolute nonsense, in my book. The reason is -- could I please have quiet?

The reason is that, first of all, you're talking about a district of 16 or 17,000 people, so you're talking about three or four political precincts if there were a special election.

Second of all, since there has been home rule in 1974, how many special elections have there been for legislators who have had to vacate their seats for any reason, whether it be death, whether it be incompetency, or whether it

be whatever? None.

So, even with 40, it's very highly unlikely that somebody is going to resign in office, die in office, or be impeached while in office. It's just not very likely. Therefore, it's not going to be a burden to the taxpayers. There aren't going to be any special elections, in all probability, but the point in fact is that if this happens once in ten years, as it has in the District, that isn't such a big price to pay compared to having the governor or the governor's political party hand-pick the successor.

MR. KAMENY: What's so terrible about that?

MS. CORN: It seems to me that the governor should not control the legislature as well as the executive branch.

MR. BALDWIN: Delegate Bruning?

MR. BRUNING: I would like to call the question, but only if that would not prejudice the decision in terms of the Roberts Rules of Order --

MR. BALDWIN: I have the Roberts Rules of Order regarding laying on the table, and the Chair will read it at this point, because I'm sure there will be further questions about laying on the table.

Section 17, page 179, Roberts Rules of Order states, "No motion or motions can be laid on the table apart from

motions which adhere to them or to which they adhere, and if any of them is laid on the table, all such motions go to the table together."

Now, we shall proceed, please. Mr. Secretary, what's on the floor?

MR. COOPER: The Rothschild amendment.

MR. BALDWIN: The Rothschild amendment. Those in favor of the Rothschild amendment, signify by a raise of hands.

MS. CORN: Sir, a point of order. Would you please have it read now?

MR. BALDWIN: You do not have a point of order.

MS. CORN: Would you please have the secretary read it before the vote is taken?

MS. HARRIS: We don't need to have you read it.

MR. BALDWIN: You do not have a point of order. Those in favor of the Rothschild amendment --

MR. ROTHSCHILD: The point of order is --

MS. CORN: It is.

MR. ROTHSCHILD: It is proper parliamentary procedure to ask that the motion be read before it's voted on.

MS. CORN: By the secretary. That is proper procedure.

MR. BALDWIN: Mr. Secretary, would you please read it?

MS. HARRIS: We don't need to read it.

MR. COOPER: I asked several times --

MR. BALDWIN: Just read it anyway. You know, there are certain people who would like to stall us. Read the motion and we can move along.

MR. COOPER: I asked on several occasions that it be submitted in writing and it never was.

MR. BALDWIN: The secretary says he asked on several occasions --

MS. CORN: You have it in front of you.

MR. BALDWIN: -- that it be submitted in writing.

MS. CORN: It's in front of you, I believe.

MR. BALDWIN: Delegate Corn, there is a statement in our rules that reads as follows, and I'll show it to you; that if a delegate, and you are a delegate to this convention, continues to disrupt and speak out of order -- delegate Corn, I would like for you to listen because the next time I am going to call this -- that the Chair may then turn to the assembly, and the assembly has witnessed all of this for many, many nights, and ask the assembly, and I will do it the next time you are out of order, what penalty must we apply to

the delegate, and it can be four things. I will definitely use it on you, and it might be the only way we can move this convention forward.

MS. CORN: Excuse me; point of personal preference.

MR. BALDWIN: No, there's no excuse --

MS. CORN: Point of personal preference. I've already had physical force used on me. I think that's quite sufficient punishment.

MR. BALDWIN: Well, then just be in order, then, so we may move.

MS. CORN: I was in order when I was attacked by delegate Bruning.

MR. BALDWIN: Last night, delegate Corn, this body decided that we would not extend beyond May 29th. They said we would move, and they gave some special rules so we could move the agenda. We would like to proceed in an orderly fashion to do that.

The substitute motion that is on the floor is, "No vacant legislature seat shall be filled except by election, as provided by law." As many as are in favor of that amendment, signify by a show of hands.

MR. COOPER: Three.

MR. BALDWIN: Those opposed?

MR. COOPER: Sixteen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. LONG: Mr. President, I rise --

MR. BALDWIN: Sir, no, you may not -- we're in the process of voting and no one is in order to do that.

MR. LONG: I thought you were finished.

MR. BALDWIN: No, we're not. Abstentions?

MR. COOPER: One.

MR. BALDWIN: Mr. Secretary, will you read the count?

MR. COOPER: Three in favor of the motion, 16 not in favor, 1 abstention.

MR. BALDWIN: The Rothschild amendment was rejected.

Mr. Terrell?

MR. TERRELL: Are there further amendments, sir?

MR. BALDWIN: No other amendments.

MR. TERRELL: Mr. Vice President, I move the adoptión of Section 8, as stated in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 8. Those in favor, say yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(There were two "nays.")

MR. BALDWIN: The motion has been adopted.

MR. SCHRAG: Could we have a dinner break now?

MR. BALDWIN: Not at this point.

MR. LONG: Mr. President, I rise to speak for the good of the body.

MR. BALDWIN: Yes, you may rise to speak for the public good of the body.

MR. LONG: Briefly, the last five amendments we have had proposed have had a maximum of four votes for them. We have spent about an hour on motions which had no support. The rule which I asked you to adopt last night requiring four "seconds" would have obviated all this process.

MR. BALDWIN: Mr. Terrell, Section 9.

MR. TERRELL: Fellow delegates, I move the adoption of Section 9, as stated in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Are there any minority reports?

MR. TERRELL: Yes, Mr. Vice President, there is one minority report presented by delegates Feeley, Warren -- Mr. Vice President, that minority report has been withdrawn. So, there are no minority reports for Section 9.

MR. BALDWIN: The Chair has been handed an amendment from delegate Oulahan for Section 9.

MR. OULAHAN: Mr. Chairman, I move that in line 23 of Section 9, the language "annual" be deleted and that the words read as follows: "The members of the Senate shall receive such salary and allowances as may be prescribed by law."

MR. BALDWIN: Will you repeat it again? I'm sure the secretary doesn't have it.

MR. OULAHAN: I gave it to -- I have a copy of --

MR. BALDWIN: He's saying he gave it to you.

MR. COOPER: He gave it to me?

MR. BALDWIN: We don't seem to have it, delegate Oulahan.

MR. OULAHAN: Mr. Chairman, I turned it in about four days ago.

MR. BALDWIN: It hasn't reached the secretary yet.

MR. COOPER: Yes, it reached me.

MR. BALDWIN: Do you have it, Mr. Secretary?

MR. COOPER: Yes.

MR. BALDWIN: Will you read it, please?

MR. COOPER: The Oulahan amendment as set forth is to strike from line 23 the words "an annual," and in its stead include the word "such."

(The motion was duly seconded.)

MR. OULAHAN: Mr. Chairman, the purpose of this amendment is to establish a legislative history for salaries for the legislature. It's particularly important in view of the fact that we have a 40-member, unicameral legislature. What this amendment does is says that the legislature shall not receive an annual, full-time salary; it shall receive such salary and allowances as may be prescribed by law.

That is the usual procedure in most of the states. It's the procedure in our neighbor states, where an annual allowance is permitted for the legislature, but it is based upon a per diem basis. Now, for example, the first six months of the legislature, our legislature is going to work its pants off -- excuse me -- is going to work very hard. Therefore, the per diem rate would have to be fairly high to take care of the legislature.

However, once that legislative foundation has been made, there isn't any reason why the legislature should be in session more than two to four months a year. We do not need a permanent legislature when we set up an executive branch of the government. Thank you.

MR. BALDWIN: Are there any questions regarding the intent of the motion? Is it very clear to you?

(No response.)

MR. BALDWIN: Your amendment is understood.

Discussion? Delegate Bruning?

MR. BRUNING: Yes. The word "annual" has essentially been substituted. It speaks nothing, in essence, of the total figure we're giving the delegates. It seems to me that we could indeed give a person an annual salary because they are going to be in for four years, but the salary wouldn't necessarily be low.

So, changing it to "such salary" does not, to me, address the question of their ultimate salary. So, "annual," I think, does no harm as it now exists. So, I speak against the change.

MR. BALDWIN: Any further discussion? Delegate Moore?

MR. B. MOORE: I just wish to issue my support of delegate Oulahan's amendment. I think it addresses the problem quite well.

MR. BALDWIN: Does the committee wish to respond to delegate Oulahan's amendment?

MS. JONES: Yes. Delegate Long wants to respond.

MR. BALDWIN: Delegate Long?

MR. LONG: I thought we had decided to leave the

question of salary up to a two-step process. One, there would be a pay board, independent, which would make a recommendation and give full public exposure to its recommendations and the reasons therefor. Following that, then the Senate must vote the total salary.

This process does one thing which I think is directly preferable to the motion that's on the floor, and that is it makes a clear statement as to what the annual salary is. A figure on a daily basis may look low compared to what actually happens until when that's accumulated over a period of days. Everybody will know what the number is; they won't have a question about what the annual effect of a certain number of dollars is.

MR. BALDWIN: You've heard the discussion.

MR. OULAHAN: May I conclude briefly and respond?

MR. BALDWIN: Yes, you may.

MR. OULAHAN: Mr. Chairman, this is a fish-or-cut-bait amendment. It's an important one because we may well have defeated the constitution last night when we established a 40-member legislature. The amount of money that the legislators are going to get paid will be an important element, I believe, to the voting public when this constitution is examined and voted upon next fall.

I wanted to establish the position, Mr. Chairman, that we were not going to have full-time salaried civil servants sitting in the legislature, and I think this will do a great deal to help this constitution go down with the voters of the District of Columbia. Thank you.

MR. BALDWIN: May we, by consensus, terminate debate?

MR. KAMENY: Yes.

MR. COATES: Yes.

MR. BALDWIN: Those in favor of the Oulahan amendment, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: A show of hands, please.

MR. COOPER: Eleven.

MR. BALDWIN: Those in opposition, likewise.

MR. COOPER: Thirteen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: The amendment was rejected.

Mr. Terrell?

MS. JONES: No, sir; delegate Jones.

MR. BALDWIN: I'm sorry. Delegate Jones?

MS. JONES: I move the adoption of Section 9,

"Compensation of Members."

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 9. Those in favor, signify by a show of hands.

MR. COOPER: Sixteen.

MR. BALDWIN: Those opposed?

MR. COOPER: Four.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The amendment was rejected.

MR. COOPER: It carried.

MR. BALDWIN: I'm sorry; the main motion was carried.

Delegate Jones, is that the end of 9?

MS. JONES: Yes, it is, sir.

MR. BALDWIN: At this point, the Chair would suggest that the body recess -- some delegates have been sitting here since 4:00 -- that we recess at this point and return at 8:15, unless the convention thinks otherwise.

MR. OULAHAN: Mr. Chairman?

MR. T. MOORE: Too long.

MR. BALDWIN: I said "unless you think otherwise."

MS. SIMMONS: Mr. President?

MR. COOPER: You can declare a recess.

MR. BALDWIN: I know.

MS. JONES: Mr. President?

MS. SIMMONS: Mr. President?

MR. BALDWIN: Just one second, please. I'll hear from delegate Jones, delegate Simmons, and delegates Oulahan and Bruning.

MS. JONES: If we're going to have a recess, I wish that delegates that have not signed their time sheets would come up and do so, and make life easy for me. Thank you.

MR. BALDWIN: Okay. Delegate Simmons?

MS. SIMMONS: Yes. This, very likely, in Section 9 can be handled through Style and Drafting based on its compatibility with the Robinson-Simmons amendment. You will note that on line 5, it speaks to the five-member commission. I would assume that implicit in the sense of the other action would be the fact that these members may not hold other elected public office, rather than other public offices, period, so that they, too, can be president of the PTA where their children attend school.

MR. BALDWIN: Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I'm going to speak about something pleasant. I want to congratulate you on the

manner in which you have handled this meeting today.

(Applause.)

MR. BALDWIN: What is your pleasure regarding a recess and returning at 8:15?

MR. COOPER: I move we recess.

MS. CORN: Eight o'clock.

MS. HARRIS: May I bring up a point here, please?

MR. BALDWIN: No. I would like to take care of the recess so we'll know what time we're coming back.

We have some saying eight, some saying only ten minutes, some saying 8:15.

MR. COOPER: Mr. Chairman, I move that we recess until 8:15.

MR. BALDWIN: Is there a second?

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that this body recess until 8:15. Discussion?

(No response.)

MR. BALDWIN: Those in favor of recessing until 8:15, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, no.

(A chorus of "nays.")

MR. BALDWIN: Division, please. Those who vote yes, a show of hands.

MR. T. MOORE: Too long.

MS. CORN: Too long.

MR. COOPER: Everybody who got here late is saying it's too long.

MR. T. MOORE: I want to get it over with.

MR. BALDWIN: Those in opposition?

MR. COOPER: I can't count. I didn't get a count.

MR. BALDWIN: It lost anyway.

Abstentions?

(No response.)

MR. BALDWIN: That motion lost. How long do you want to recess?

MS. CORN: I move eight o'clock.

MR. KAMENY: Eight o'clock.

MR. BALDWIN: Eight o'clock. So, can we now, then, by consensus, return at 8:00?

MR. T. MOORE: Yes.

MR. KAMENY: Yes.

MR. BALDWIN: Thank you.

(Whereupon, a brief recess was taken.)

MR. BALDWIN: Fellow delegates, the convention is

back in session.

Mr. Terrell, we'll begin with Section 10.

MR. TERRELL: Fellow delegates, I move the adoption of Section 10, which deals with sessions, as outlined in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 10, as outlined.

MR. TERRELL: Mr. Vice President?

MR. BALDWIN: Are there any minority reports?

MR. TERRELL: Yes, there is one minority report from delegate Love.

MR. BALDWIN: Delegate Oulahan has one, also. Delegate Love?

MR. LOVE: I'm going to withdraw my minority report.

MR. TERRELL: Mr. Vice President, delegate Love withdraws his minority report.

MR. BALDWIN: Delegate Oulahan has one, and delegate Corn.

MR. OULAHAN: Mr. Chairman, in the second paragraph of Section 10, line 15, I move that the words "complete live" be deleted and there be inserted in lieu thereof the word "reasonable." So, the line would read, "All meetings of the

Senate and its committees shall be open to the public, to the press, and to reasonable radio and television coverage."

MR. BALDWIN: Was there a second?

(No response.)

MR. BALDWIN: Was there a second to delegate Oulahan's amendment? So far, there's no second.

(The motion was duly seconded.)

MR. BALDWIN: It has been seconded by delegate Love.

MR. OULAHAN: Thank you.

MR. LOVE: Wait a second. I'm sorry. Can I withdraw that second?

MR. BALDWIN: Delegate Oulahan, it appears it dies for the lack of a second.

(The motion was duly seconded.)

MR. BALDWIN: It was too late.

Delegate Corn has an amendment to Section 10.

MS. CORN: Yes, I do.

MR. BALDWIN: Pardon?

MS. CORN: I do have an amendment to Section 10. On line 10, delete the word "annually."

MR. OULAHAN: Mr. Chairman, I believe Brian Moore did second the motion.

MR. BALDWIN: Okay. We had thought it was a little

late. But, anyway, we have delegate Oulahan's amendment on the floor.

MR. OULAHAN: Thank you, sir.

MS. CORN: Mr. Chair, will you call on me after that?

MR. BALDWIN: Yes.

MR. OULAHAN: The reason, Mr. Chairman, for the substitution of the words is as follows. "Complete live" as used here might mean that the legislature would be at the control of the press and radio and television, rather than having a reasonable control by the legislature over those functions.

This is not anti-radio, it's not anti-press, it's not anti-television. By using the word "reasonable," which has a legislative meaning, I mean to allow the legislature to retain reasonable control over what really should be allowed.

The words "complete live" -- I don't know what they mean, and they could cause a great deal of mischief. Thank you.

MR. BALDWIN: Delegate Corn?

MS. CORN: I wish to speak against this amendment. To me, it smacks of censorship, and there's no two ways about it. Any body whose funds are paid for and whose salaries are

paid for by the public should be open to the public, and any media, whether it be press, radio or television, at all times and under all circumstances. I would rather have the press than government, if it came to that. I would never, ever vote for this amendment.

MR. BALDWIN: Is there further discussion on the Oulahan -- delegate Hilda Mason?

MS. MASON: Mr. Vice President, I rise to ask the maker of the motion if he would define what he means by "reasonable." Does he mean that it could disallow the public and the press?

MR. OULAHAN: Mr. Chairman, as a former newspaper man, I'm the last person in the world to restrict the press, radio and television. What I do mean by "reasonable" is that the control shall rest reasonably with the legislature rather than having the media telling the legislature the way in which television and radio shall be controlled.

I'm not against publicity of any of the things that go on. Indeed, you will remember my objection the other night when I thought something was being done contrary to the sense of that. I thoroughly approve it, but I think the legislature ought to have the means of reasonable control. That's all I ask.

MR. BALDWIN: Delegate Simmons, and then delegate Graham.

MS. SIMMONS: I rise to support the amendment. I believe that what we have heard from the maker of the amendment is to allow the opportunity for strategy. I think that to say that only when there is a personnel matter, when, frankly, I think personnel matters ought to be open and ought to be clear, and then people don't make the same mistakes repeatedly with regard to ineptitude and inefficiency and dishonesty and mis-, mal- and nonfeasance -- yet, that we make closed.

I think it becomes far more dangerous when we cannot have a legislative body coming together for purposes of strategy or PR or those kinds of reasons that are constructive and wholesome, because we know that the press is not free. It is biased, it is owned, and does have a point of view, and I think it's ridiculous for us to suggest that they should, at all times, at all costs, always be about making the news instead of reporting it, which is what they do 98 percent of the time.

I would be supporting a reasonable closure, and I think that that will get determined by the people who make up that legislative body, and the integrity of the people

therein. And if we can't trust the electorate to elect people who will be reasonable and are respectful of individual and public privacy, then it's all wasted and down the drain anyhow, because we've said that we have no confidence in our electorate.

MR. BALDWIN: Delegate Graham, and then delegate Rothschild.

MS. GRAHAM: I don't know if I'm speaking for the motion or against the motion, but what I have in mind -- and you can tell me whether I need to sit down or not -- I would like to see deleted "complete live," just those two words. If we delete "complete live," then we could say "and to radio and television coverage."

If we say that, it does make sense, and it does not put any limitations anywhere. The legislature could produce the limitations that were necessary. The only thing I see we need to do here is to just delete "complete live," and if we do, then I think that would make sense.

Could I amend your motion to do that?

MR. OULAHAN: I accept that amendment.

MS. GRAHAM: Mr. President, I'd like to amend his motion on line 15 to read, "to the public, to the press, and to radio and television coverage," deleting "complete live."

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded. We're trying to get your motion, delegate Graham.

MS. GRAHAM: Just delete the two words on line 15.

MR. BALDWIN: Okay.

MS. GRAHAM: And they are "complete live."

MR. BALDWIN: That's the secondary amendment, so we can only have those two amendments at this point now.

Those in favor of the Graham amendment --

MS. CORN: I have a question, please.

MR. BALDWIN: Sure.

MS. CORN: I'd like to ask delegate Graham, you're only talking about deleting two words, "complete live," on line 15?

MS. GRAHAM: Right.

MS. CORN: Well, what is the purpose of taking them out? I fail to understand what you're doing.

MS. GRAHAM: May I explain again, the purpose of taking it out is that you do not set limitations, as he is saying "complete live." You would just leave it saying, "to radio and television coverage." You don't set any limits at all, and it can be set by the legislature, or whatever.

MS. CORN: So, in other words, by leaving out the

words "complete live," it could mean that it could be broadcast live or broadcast later?

MS. GRAHAM: Or it could be eliminated totally, if need be.

MS. CORN: But it would allow them live coverage?

MS. GRAHAM: Sure, if they wanted that.

MS. SIMMONS: But the decision would be the legislators'.

MR. KAMENY: That's who it shouldn't be.

MR. LONG: Call the question, Mr. Chairman.

MR. TERRELL: Mr. Chairman, general counsel has given us a clear understanding of this issue, and I'm going to ask him if he would speak to this section before we take a vote on the amendment.

MR. BALDWIN: That would be in order.

MR. THOMAS: Thank you. I think everyone has a copy of my report in which I comment on Section 10. I think this article is going too far in terms of giving a blanket constitutional right to anybody, particularly live radio and TV stations, to broadcast or telecast not only any session, but any committee meetings.

I think it could have the effect of having serious legal ramifications in terms of giving anybody -- any reporter

from anywhere and any TV station anywhere -- an implied right to sue if he is not allowed to be giving live TV and radio coverage.

Also, if you give a constitutional right for these things that are granted, there is also an implied right to provide for the people you're granting the right to, and that may be impractical in a lot of situations. I advise you to either use softer language or give more control to the legislature.

MR. BALDWIN: Thank you, Mr. Thomas.

Are those hands questions for Mr. Thomas, or do you just want to speak on the motion?

MR. MASON: I have a question on the meaning of the motion.

MR. B. MOORE: I have a point of information.

MR. BALDWIN: Delegates Mason and Oulahan and Brian Moore, and Ms. Corn.

MR. MASON: I would ask the maker of this amendment, Ms. Graham, if I am correct that the intent here is to permit radio and television coverage, whether or not it's put on the air simultaneously or at some later time. The intent here is not to forbid the coverage altogether, but possibly to prevent 15 cameras being brought in at one time, or so many lights

that the lights bother the members of the legislature, but to shut down totally the coverage. I believe that's the intent.

MR. BALDWIN: Delegate Oulahan?

MR. OULAHAN: Mr. Chair, I want to agree with delegate Charles Mason. When my good friend, Ms. Graham, made her amendment and I withdrew the use of the word "reasonable," I read the language now to permit a reasonable control over the physical facilities and use of television and radio.

For example, aside from 15 cameras, suppose 15 so-called newspaper men from TAS Agency decided that they wanted to come in and get press rights in the press gallery. Obviously, that's not a reasonable request. The legislative has to have some kind of rights, just like Congress has. My father was in the press gallery for 30 years and he believed that there was a reasonable control.

We're not trying to keep them out, but the legislature ought to have some kind of reasonable control over the physical part. And I hope that in the legislative history, this viewpoint will be reflected, because we're not anti-press.

MR. BALDWIN: Delegate Brian Moore?

MR. B. MOORE: Yes, just a point of information for

the committee. Could you explain why you have the words "complete live" in there?

MR. TERRELL: Delegate Love?

MR. LOVE: First of all, it was never the committee's intent to violate the process that was going on or to force the legislature to have a huge platform in the middle of a debate.

What we are talking about is the fact that many states and cities are now adopting cable TV stations. Often, one station of that cable is devoted entirely to live coverage of what is going on in the legislature. We want to encourage people to know as much about their legislature and what is going on as possible.

All this was was to make absolutely sure -- because, as you know, many states have done this and then the legislature has refused to allow it; other states have allowed it and continue to -- was to make very clear that if people wanted to cover live and complete what is going on in a committee meeting or what is going on in a legislative hearing, they will be allowed to do so.

It is clear, I think, from our intent that we would want to insure the physical control of the area being in the hands of the legislature, not in the hands of the press, and

I think we'll state that for the record right now, if this is a reasonable type of coverage. We're not talking about having the legislature adjourn while you have TV commercials. We're not talking about ten cameras; they might have to all agree on the use of one camera.

But we are talking about the idea that if there's interest, television stations, perhaps on a cable, could broadcast uninterrupted coverage of the legislative session or of a committee session, and I think that was our intent.

MR. BALDWIN: Delegate Kameny?

MR. KAMENY: Thank you, Mr. President. As a matter of long-term practice, law creates architecture. If the constitution requires that there be complete radio and television coverage, then state houses and committee rooms will be built to accommodate the need, and there will be no problem with physical facilities when all is said and done.

Therefore, I urge that this amendment be voted down.

MR. BALDWIN: Delegate Corn?

MS. CORN: I think delegate Kameny basically said a lot of what I was going to say. I simply would say this: if, by deleting those words, you still allow for it, then why not put it in there? What is such a big deal that the cameras can't be in a legislature or a committee meeting or

hearing? If legislators have something to hide, they had better not run for office to begin with. I am opposed to any censorship whatsoever of the media.

MR. OULAHAN: Point of order.

MR. BALDWIN: Point of order, delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I believe that delegates are required to speak either from their place or at the podium in front, not from the side door.

MR. BALDWIN: Your point is well taken. Delegate Corn, would you come on the floor, please?

MR. KAMENY: She's smoking.

MR. BALDWIN: Delegate Bruning?

MR. BRUNING: I call the previous question.

(The motion was duly seconded.)

MR. BALDWIN: The previous question has been called. By consensus, will you agree?

Those in favor of the Graham amendment, signify by a show of hands.

MR. COOPER: Nine.

MR. BALDWIN: Those opposed?

MR. COOPER: Eight.

MS. CORN: I call for a quorum count, please. I don't think that there is a quorum. Point of order. I don't

think that a quorum is present.

MR. BALDWIN: Mr. Secretary, will you check and see if a quorum is present?

MR. COOPER: No.

MR. BALDWIN: How many, 22?

MR. COOPER: Yes.

MR. BALDWIN: I understand there are 22 delegates on the floor.

MR. LONG: He's going out to get one.

MR. BALDWIN: Thank you. There are 22, I understand.

MR. COOPER: If Maguire would come in --

MR. BALDWIN: The secretary stated that if delegate Maguire came in, we would have 23. He didn't count you. Will you tell Bruning to come in, please?

MS. CORN: Point of order, Mr. Chair.

MR. BALDWIN: State your point of order, please.

MS. CORN: I request that when you have a quorum, you retake this vote, please.

MR. BALDWIN: You stopped us in the midst of a vote; we will.

MS. CORN: Thank you, sir.

MR. LOVE: Bruning, come on in; we're okay.

MR. BALDWIN: Will you restate the motion again,

please, and we'll put it to a vote -- the Graham amendment?

MR. COOPER: The Graham amendment would be to strike from line 15 the words "complete live."

MR. BALDWIN: Those in favor of the Graham amendment, signify by raising your hands.

MR. COOPER: Twelve.

MR. BALDWIN: Those who are opposed?

MR. COOPER: Eight.

MR. BALDWIN: Abstentions?

MR. COOPER: No abstentions.

MR. BALDWIN: Mr. Secretary, what was the count?

MR. COOPER: Twelve in favor of the motion, eight not in favor.

MR. BALDWIN: The Graham amendment was carried.

Delegate Graham?

MS. GRAHAM: I move that we delete the word "all" on line 14.

MS. SIMMONS: Wait a minute. That's not in order.

MR. BALDWIN: Your present amendment was adopted, and your second amendment, I guess, would be on another line, wouldn't it?

MS. GRAHAM: Yes. I was talking about 14 this time. Could I go back up to 14?

MS. SIMMONS: In order. It wasn't your turn.

MR. BALDWIN: In order. We still have the Oulahan amendment on.

MR. COOPER: Mr. Chair, Graham's was really a substitute for Oulahan's.

MS. JONES: A point of order, Mr. Chairman. He accepted it.

MS. GRAHAM: He accepted it.

MR. BALDWIN: So, there's nothing on the floor, then.

MR. COOPER: Yes, there is something on the floor.

MR. BALDWIN: What's on the floor?

MR. COOPER: Mr. Terrell's motion to adopt Section 10 is on the floor.

MS. CORN: We have other amendments. Point of order.

MR. BALDWIN: Just one second. As I understand it, we do have another amendment from delegate Simmons.

MS. CORN: Point of order, sir. I also submitted an amendment to delegate Freeman on this section.

MR. BALDWIN: Delegate Simmons?

MS. SIMMONS: Yes. The amendment which the secretary has would state as follows: after "Sessions," it

would say, "The Legislature shall meet no more than 120 days per year during the term for which its members are elected." What we would be doing is, on line 8, striking "be a," inserting "meet no more than 120 days per year." "Be a continuous body" would be deleted and replaced with "meet no more than 120 days per year," and then the rest would remain as it stands.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and seconded that we adopt the Simmons motion, as read. Discussion? Delegate Kameny?

MR. KAMENY: I rise in opposition to this motion. For myself, one of the criteria for distinguishing between a respectable state and a little, two-bit backwater has been the manner in which its legislature meets.

All I need to do is to look at those two pathetic examples of statehood on either side of us, Maryland and Virginia, with their hectic, chaotic sessions, which meet your approximate criteria every year -- ill-devised, ill-advised, ill-enacted legislation -- to see all the ills and evils of what you're trying to perpetrate on us -- that's not a personal attack on you -- with your amendment.

MS. SIMMONS: Yes, it is.

MR. KAMENY: I urge that the committee report, which is well-considered and which I think will serve us best, be concurred with. Therefore, I urge that this amendment be defeated or any amendment similar to it.

MS. CORN: Point of order. Was there a second to Barbara Lett Simmons' motion?

MS. SIMMONS: Yes, there was.

MR. BALDWIN: Yes.

MR. TERRELL: Mr. Chairman, Mr. Long will speak for the committee.

MR. BALDWIN: Mr. Long, from the committee.

MR. LONG: Delegate Simmons, without arguing the question of whether or not we should have 120 days, I believe your motion is misconceived, in that the phrase "be a continuous body" has legal implications for the life of legislation -- how long a bill lasts, and that sort of thing.

I think you want to focus on the second sentence, which says, "it shall meet in regular sessions annually." It's not that you will stay in session continuously, but that the body has a legal life which continues throughout the term of office so that you don't have to adopt rules periodically every time you break, and so forth.

So, I think your motion is well-conceived, but put

in the wrong place, if you see what I mean. The second sentence deals with the question of sessions, and the like.

MS. SIMMONS: May I respond?

MR. BALDWIN: Yes.

MS. SIMMONS: I believe that while the point is well taken, I deliberately did not want to tamper with line 2 because I think those 120 days ought to be determined by the legislature. They may want it 120 days all together, you know, as a four-month block. They may want to divide it into two 60-day blocks.

I think that that second sentence permits them to do that in terms of what they will call their regular session. What we have done is we have limited the number of days which, ipso facto, means we have also limited what is reasonable in terms of cost.

MR. BALDWIN: Does anyone else wish to speak to the amended motion?

MR. LOVE: Mr. Chair?

MR. BALDWIN: The Committee?

MR. LOVE: This is for me. I have a question for delegate Simmons.

Delegate Simmons, do you mean 120 calendar days or 120 legislative days?

MS. SIMMONS: Legislative days.

MR. LOVE: Okay. I think that should be clear.

MS. SIMMONS: I guess maybe I should have said that, because I'm talking about working days. I am not talking about Sundays and holidays.

MR. BALDWIN: Delegate Hilda Mason?

MS. MASON: I thank you, Mr. Vice President. I'd like to know -- if we strike "a continuous body," I'd like to have a legal opinion as to what kind of body would that be.

MR. BALDWIN: What line are you on, delegate Mason?

MS. MASON: Line 8.

MR. THOMAS: I think that I would refer to delegate Long's comments on the subject. Most constitutions refer to the legislative body as a continuous session in the meaning that delegate Long stated. Usually, the time period in which the legislature meets is prescribed by law, and it's that way in the model state constitution also.

If it is the desire of the convention here to set it here in the constitution, then I recommend that the second or third sentence is more practicable.

MR. TERRELL: Could you make sure what is meant by "prescribed by law?"

MR. THOMAS: "Prescribed by law" is the legislature

setting the -- I'm sure everybody understands that.

MS. MASON: Mr. Chairman, I was trying to recall the rest of her motion. I don't have it before me. Does it speak to 120 days?

MR. BALDWIN: Yes, it does.

MS. MASON: Does that mean that when the body is not in session beyond the 120 days, those legislature members will be free to go and take a second job and not be available for anything in regard to the legislative body?

MR. BALDWIN: Delegate Simmons, will you respond?

MS. SIMMONS: Yes. That means that individuals will function as their individuality and their constituencies permit, because as you know right now, there are City Council members who are there every day, and then when they're not in their offices, they're in the community. There are others who are about their own personal economic pursuits, and that too is fine.

I'm saying that the individual will decide what that additional sense of responsibility or obligation or commitment may be, but that, legally, they are expected to be available to engage in the legislative requirements of their task for 120 days. I don't think this body ought to be determining constitutionally what people can do with their own free,

private time.

MS. MASON: Mr. Chairman, can Mr. Kameny be persuaded --

MR. KAMENY: I wanted to ask a question. You go ahead.

MS. MASON: I'm trying to understand that if a member is not a member of a continuous body and the legislature is not in session and the member can go off and do what he wants to do, then we don't have a continuous body, and nobody can make members come back to do anything. Will you still have a continuous body?

Mr. Chairman, it sounds to me like you could go off and take another job and not be held accountable to deal with constituents if it is tied in with the cost that the maker of the motion referred to a moment ago. So, I need that clarified.

MS. SIMMONS: Delegate Mason, through the Chair I would like to say that there isn't any question that you had the response from the attorney, who made it very clear that the states, usually in their constitutions, say "continuous sessions." Yet we know that most of the states -- something like 40 of them -- have a part-time legislature.

So, are you suggesting that because they only meet

part-time, they are therefore not in continuous session when, in fact, that's what it says?

MS. MASON: Mr. Chairman, I'm not debating. I'm asking a question now. Do the other states say that they are not a continuous body?

MS. SIMMONS: No. He said they did.

MR. BALDWIN: Based on what our general counsel said --

MS. SIMMONS: That's what he said.

MR. BALDWIN: General counsel, can you repeat your statement?

MS. MASON: Do the other states define their legislative body as not being a continuous body?

MR. BALDWIN: Not a continuous body?

MR. THOMAS: Right, right. There are some states, though, that still have restricted sessions held annually or biannually.

MS. MASON: Do they say they are not a continuous body, is my question.

MR. THOMAS: Do they say "we're not a continuous body?"

MS. MASON: In their constitutions.

MR. THOMAS: Well, no. I can't think of any

constitution that says, "we are not a continuous body," but they usually say something else, such as "the legislative session will be annually," or "will meet biannually," or something like that.

MS. MASON: Thank you, Mr. Chairman. I still don't know what a continuous body is. They could be a continuous body and not meet more than 30 days. The Constitutional Convention delegation is a continuous body for three years, even though we have 90 days to write the constitution. I think that's a distinction there.

MS. SIMMONS: I think he should repeat what he told us. I think, Ms. Mason, it would help you, because that was the question you asked him and he said "continuous session" referred to the permanency of the legislation, not the session of the legislature.

MR. THOMAS: Well, I said the legislature is what continues.

MS. SIMMONS: And you associated yourself with Mr. Long's remarks, which said that that means the legislation is permanent.

MR. THOMAS: Right.

MS. SIMMONS: I don't have an auditory impairment.

MR. KAMENY: Question, please.

MR. BALDWIN: Delegate Kameny, question.

MR. KAMENY: I would like to ask the maker of the motion, you say that the legislature shall meet for 120 days in a year. Would that not be satisfied by between two and three meetings per week for all 52 weeks of the year?

MS. SIMMONS: It could be. That's why I'm leaving it to the body to make that determination.

MR. KAMENY: In other words, it would be something like our City Council, but with meetings about six or eight times as often.

MS. SIMMONS: Well, you know, you can go ad infinitum in terms of the combinations.

MR. KAMENY: I'm asking for your intent. Your language, as I read it here, to me does not seem to imply that these have to be a continuous 120 days.

MS. SIMMONS: That's right.

MR. KAMENY: It can be 120 days from January 1st all the way through to December 31st.

MS. SIMMONS: You're quite correct. My language implies not only that, but I further expanded upon it to make it quite clear that it did not mean it has to be 120 days in one block. It could be 60 days in two different periods of the year, January and fall. That was by design.

MR. KAMENY: That's what I just said.

MS. SIMMONS: That's why I said the second line, to me, was important, in that the legislature itself could decide.

MR. BALDWIN: Any other questions at this time? Are we ready to vote?

MS. CORN: I would speak against this amendment. It's absolutely ludicrous and absurd, because what it's saying is -- there are 240 legislative days in the year and, as Barbara Lett Simmons said, that could be one block of six months, two blocks of three months each, or it could be two or three days every week all year long. Therefore, it's actually meaningless.

Its purpose is to deceive the voters into thinking that it's a small block of time, and I think that this is ludicrous and I don't like playing games. I urge you to vote against it.

MS. SIMMONS: Point of personal privilege.

MR. BALDWIN: Delegate Simmons?

MS. SIMMONS: There's no way that delegate Corn can purport to know what I feel or believe, except as it is articulated, and she has not heard any such articulation that would allow her to arrive at that conclusion.

MR. BALDWIN: Is there other discussion on this

amendment? We're getting ready to vote. Delegate Mason?

MR. MASON: I would ask the maker of the amendment whether in counting the days, she intended to count only plenary sessions of the legislature or whether she intended to count days on which committees met with no plenary session.

MS. SIMMONS: I'm talking about legislative sessions.

MR. BALDWIN: The Chair will yield to delegate Moore, then the committee, and we'll proceed to vote.

MR. B. MOORE: Yes. I'm going to vote against this motion. I feel very uncomfortable with it. It seems like it's almost similar to what we have now, and it could be very easily interpreted by the legislature to be a full-year body. So, I'd rather see it be 120 days from January 1st to April 30th. But the way it has been presented, I feel uncomfortable.

MR. BALDWIN: Delegate Terrell?

MR. TERRELL: Delegate Schrag?

MR. BALDWIN: Delegate Schrag?

MR. SCHRAG: The committee urges you to support the committee's language. Delegate Moore, may I have your attention?

MR. KAMENY: Delegate Moore?

MR. SCHRAG: The committee urges you to support the committee's language and to defeat the amendment. This is a

very technical term, "continuous body." To delete this word will have all kinds of effects that we have not begun to explore here, such as the fact that if it is not a continuous body, bills will automatically die when the legislature takes a recess from one session to another, and then provision has to be made for "what do we do about those bills," and whether they can be automatically reintroduced, and so forth. It becomes a very complicated business.

Second, I want to remind you of what delegate Talmadge Moore told you about an your ago. The committee has written a relatively succinct, brief article on the legislature; it's only seven pages long. We were able to do that because we adopted a fundamental approach of not trying to write legislation, but trying to write a constitution, and leave some of these things up to our elected representatives, who have a lot of time to think about them, to decide what to do.

Let's not complicate our lives and the lives of the citizens of the new state by hedging everybody about with all kinds of very detailed restrictions. Let's let the people decide how the state should be run.

MR. BALDWIN: Your points are well taken. At this time, we'll vote. Those in favor of the Simmons amendment,

signify by a show of hands.

MR. COOPER: One.

MR. BALDWIN: Those in opposition?

MR. COOPER: The hands aren't staying up.

MR. BALDWIN: Would you keep your hands up, please, so the secretary can count, and we'll move on?

MR. COOPER: Fourteen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: The Simmons amendment was rejected.

MR. TERRELL: Mr. Chairman, I move the adoption of Section 10, as amended.

MS. CORN: Point of order.

(The motion was duly seconded.)

MS. CORN: Point of order.

MR. BALDWIN: Delegate Corn?

MS. CORN: I would move --

MS. JONES: Point of order. You can't make a motion.

MS. CORN: I was just called upon to make a motion. I had submitted my amendments earlier.

MR. KAMENY: This time, she's right.

MS. CORN: Section 10, line 10 --

MS. SIMMONS: Let's put the flag up.

MS. CORN: You haven't been right all the time either, Barbara; you're usually wrong, too.

In line 10, I would delete the word "annually." Therefore, it would read, "It shall meet in regular sessions as provided by law." That way, if the state legislature decides to do something like the City Council does where it meets every Tuesday or every other Tuesday, it doesn't require that they go through having a majority of the members signing a petition to hold a meeting.

By having "annually" in it, it means that only one legislative day is required, and anything above that requires either the governor saying it or a request of a majority of the members. That's why I urge you to delete the word "annually."

MR. BALDWIN: Was the Corn amendment seconded?

MS. CORN: Would you call for a second, please?

MR. BALDWIN: Yes. Was the Corn amendment seconded?

MS. HARRIS: No.

MR. COATES: No.

(The motion was duly seconded.)

MR. BALDWIN: Delegate Corn and delegate Rothschild, the Chair at this point would like to read to you, because

this has been going on, I know, for three weeks. You beg each other to ask and second motions. That is referred to in Roberts Rules of Order as a dilatory and improper motion, and it says that the Chair may do the following: may call it out of order if he feels that that's going on, and I personally feel that.

MS. CORN: Sir --

MR. BALDWIN: So, you can only make a motion. You can't just sit and beg people to second it and turn around.

MR. ROTHSCHILD: Point of order.

MS. CORN: Sir, he seconded because he didn't understand the point I'm trying to make, and I feel that this is a very important point.

MR. BALDWIN: It's on the floor this time, but I just wanted to warn you.

MS. CORN: All right.

MR. BALDWIN: It's on the floor.

MS. CORN: I'd like to explain why I feel deleting the word "annually" is very, very important. The way this reads right now -- "It shall meet in regular sessions annually as provided by law. It may be convened at other times by Governor or, at the written request of a majority of the members ..." -- if you leave the word "annually" in, what it

means is that only one legislative day per year is required, and any other times besides that has to be either at the request of the Mayor or a written request from a majority of the legislators.

MR. KAMENY: The Governor.

MS. CORN: That's absurd; it ties up their hands and creates problems. Whereas, if you delete the word "annually" and just have it read, "It shall meet in regular sessions as provided by law," and they set up a law that it will meet every second Tuesday or every second Wednesday, they won't need to have a majority of the delegates sign a piece of paper requesting to have a meeting.

MR. BALDWIN: Thank you, delegate Corn. Delegate Bruning?

MR. BRUNING: I move the previous question.

(The motion was duly seconded.)

MR. BALDWIN: Delegate Corn's question has been called for, but we need at least two other people to speak either for or against.

MS. FREEMAN: Only if people want to.

MS. CORN: Only if they wish.

MR. BALDWIN: I saw other hands; that's why I made that statement. By consensus, the previous question?

MR. TERRELL: Yes.

MS. WARREN: Yes.

MS. CORN: Point of order. Could you request anybody wanting to speak for or against it?

MR. BALDWIN: Those in favor -- we've cut off debate already now.

MS. CORN: Sir, I'm sorry; the rules are very clear. If two people wish to speak for or against, they may do so. Would you please call and see if anybody does want to speak for or against it? If not, then the calling of the question would be in order.

MR. BALDWIN: Those in favor of the Corn motion, please signify by a show of hands.

MR. COOPER: One.

MR. BALDWIN: Those opposed?

MR. COOPER: Seventeen.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The motion was rejected.

MR. THOMAS: Point of personal privilege.

MR. COOPER: I didn't count the abstentions.

MR. BALDWIN: A question of privilege has been called. Delegate Thomas?

MR. THOMAS: Is there any way that we can keep Ms. Corn from putting these proposals in? Nobody is voting on them but her, and they are taking up a lot of unnecessary time.

MR. BALDWIN: Yes. Section 38 definitely allows the Chair to rule, and if the assembly would support me, we can keep her from making those motions.

MR. THOMAS: Well, would you do that?

MR. BALDWIN: Repeatedly, repeatedly, and we understand the intent.

MR. ROTHSCHILD: Point of order. Could I maybe help just by saying something?

MR. BALDWIN: No, sir, unless you're going to speak to a point of order about a rule that's being violated.

MR. ROTHSCHILD: Well, I'd like to speak to the rules to try and facilitate the process.

MR. BALDWIN: No, that's not a point of order, sir.

MR. ROTHSCHILD: Well, if you'd let me just speak for a second, I will -- the body wants to move quicker, and I think we can.

MR. BALDWIN: Yes, go ahead.

MR. ROTHSCHILD: Okay. The only reason I second so frequently motions that I don't know about is because there's

no way to speak to it unless it's seconded. If I am to second a motion to hear the rationale and nobody feels it's worth talking about, I will not speak to it, nobody else will speak to it, and it will die.

In other words, if you say, "does anybody wish to speak to it" and nobody does, then we can move right along, and all that has been wasted, possibly, is the explanation of the rationale for why she made the motion. Nobody would speak to it; we could go right over it.

MR. BALDWIN: You can't say "does anybody wish to speak to it" until it's seconded. It has to be on the floor.

MR. ROTHSCHILD: But if nobody wishes to speak to it, if the body refuses to speak to it, it can move --

MR. BALDWIN: Delegate Rothschild, delegate Thomas has raised a point and the Chair has told you what he will do in the future. I will allow that motion to get on the floor. It is the sense of this delegation and this convention that they are tired of these kinds of dilatory tactics.

MS. CORN: Point of --

MR. BALDWIN: Therefore, the Chair will, from this point on, use Section --

MS. CORN: Point of personal preference.

MR. BALDWIN: -- 38.

MS. CORN: Point of personal preference.

MR. BALDWIN: Whenever the Chair becomes convinced that one or more members are using parliamentary forms for obstructive purposes, he should either not recognize these members or he should rule that such motions are out of order.

MS. CORN: Point of personal preference. Delegate Baldwin, I do not make these motions to be dilatory or silly. I certainly think that I've got valid points when I bring them up. Whether you do or the others do is almost irrelevant. I would submit that if, in fact, you wanted to save time, you would let people make their motions, and if they don't have a second, let them explain it, and then if there's no second, it's finished. You've saved a lot of time.

But at least this way, ideas are free and you may come up with some good ideas if you all open your minds a little bit.

MR. KAMENY: I move the agenda.

MR. BALDWIN: The agenda has been called for.

MS. CORN: I've had it; I'm going home.

MR. BALDWIN: Delegate Brian Moore has an amendment.

MR. B. MOORE: Yes. I would like to move an amendment that was initially presented in the form of a minority report, but then was withdrawn.

MR. BALDWIN: You cannot; it is out of order. You say it was eventually withdrawn?

MR. B. MOORE: Yes.

MR. BALDWIN: Okay, proceed.

MR. B. MOORE: It's for Section 10, "Sessions," and it goes as follows. I move -- and this should replace the first sentence with the following -- I move, "The Legislature shall convene twice each year, once on the second Monday in January and once on the second Monday in September. The January session shall not exceed 60 days, and the September session shall not exceed 60 days. But the legislative committees may meet and hold hearings whether or not the Legislature is in session."

MR. BALDWIN: Is there a second to the amendment?

(No response.)

MR. BALDWIN: Is there a second to the amendment?

(No response.)

MR. BALDWIN: Having heard none, the amendment dies for the lack of a second.

MR. TERRELL: Mr. Vice President, are there any additional amendments?

MR. ROTHSCHILD: Yes, there are.

MR. BALDWIN: Mr. Rothschild has an amendment.

MR. ROTHSCHILD: I will be brief. If nobody likes it, you know --

MR. KAMENY: You can be briefer by not saying it.

MR. BALDWIN: Just state your amendment, sir, in the form of a motion.

MR. ROTHSCHILD: All right. The motion is to change, in Section 10, lines 10 through 13, to read as follows: "It may be convened at other times by the Governor. At a written request of a majority of the members, the presiding officer of the Legislature shall convene the body."

MR. BALDWIN: Is there a second?

(No response.)

MR. BALDWIN: Is there a second?

(The motion was duly seconded.)

MR. BALDWIN: It has been seconded.

MR. ROTHSCHILD: I will speak briefly. If nobody feels it's worth talking about, let it die. The reason I did that is so that it's clear that when a majority of the members of the Legislature do request a meeting, the presiding officer shall, must -- not "may," but "shall" convene the body. That's the reason I did it, to clarify that point. If the committee wants to speak to that or the body wants to drop it, that's fine.

MR. BALDWIN: Delegate Hilda Mason?

MS. MASON: Mr. Vice President, I am frantically reading, try to see the distinction between what he is saying --

MR. ROTHSCHILD: One says "may" and the other says "shall."

MR. BALDWIN: He says one says "may" and the other says "shall."

MR. ROTHSCHILD: The majority request means that the presiding officer must call the body together. That's what's in my motion.

MR. BALDWIN: Delegate Kameny?

MR. KAMENY: I move the previous question.

(The motion was duly seconded.)

MR. BALDWIN: By consensus, the previous question has been called for. Those in favor of the Rothschild amendment, signify by saying yes.

(There were two "yeses.")

MR. BALDWIN: Those in opposition, no.

(A chorus of "nays.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The Rothschild amendment was rejected.

MR. ROTHSCHILD: That was quick.

MR. BALDWIN: We're back to the original motion.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 10, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 10, as amended. Those in favor, say yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

MS. CORN: Abstain.

MR. BALDWIN: The ayes have it, and it's so ordered. Section 11?

MR. TERRELL: Fellow delegates, I move the adoption of Section 11, as stated in the committee's proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report, Mr. Terrell?

MR. TERRELL: Mr. Vice President, there is no minority report.

MR. BALDWIN: We have one amendment from delegate

Corn.

MS. CORN: Two amendments from delegate Corn.

MR. BALDWIN: The Chair has one amendment from delegate Corn. Would you please speak and present your amendment, delegate Corn?

MS. CORN: Sir, I submitted two amendments to delegate -- what's her name?

MR. KAMENY: Freeman.

MS. CORN: Freeman, on this section.

MS. FREEMAN: I thought we could do it with one motion.

MS. CORN: Well, I can divide them one at a time.

MR. BALDWIN: Present your amendment, please.

MR. KAMENY: Give them to us both together and save time.

MS. CORN: They're not related. The first one is lines 21 and 22.

MR. KAMENY: Don't save up your motions.

MS. CORN: Shut up, Frank.

The first line is line --

MS. MAGUIRE: Point of order, Mr. Chair; point of order.

MR. BALDWIN: Your point of order, delegate Maguire?

MS. MAGUIRE: I don't want to read all the rules, but it appears to me that Roberts Rules -- if a delegate, after three times of being corrected about how she speaks to the delegation and her behavior, if she does not conform to the wishes of the body or the Chair, the body can direct her to be removed from the hall.

I would like the Chair to direct her to either start following the proper procedures and addressing people in the proper manner, or the other members of this delegation will move for her removal.

(The motion was duly seconded.)

MR. KAMENY: I move that delegate Bruning do the removal.

(Laughter.)

MR. BALDWIN: This is a very serious matter.

MR. COOPER: There's a motion on the floor.

MR. BALDWIN: But we can do this. This is a very serious matter. Delegate Maguire did inform delegate Corn of that ruling, and at this point I will turn to the assembly because I think it is needed and ask this body --

MR. COOPER: But is it in order?

MR. BALDWIN: Yes, it is in order -- and ask this body what penalties you want to impose on delegate Corn.

MS. CORN: Point of order. I'd like to say something.

MR. BALDWIN: No, no; just a second, please.

MR. COOPER: No penalty.

MS. MASON: Mr. Chairman?

MR. BALDWIN: Delegate Hilda Mason?

MS. MASON: Mr. Chairman, I noticed that delegate Corn smiled at the delegate when she told him to shut up. I wouldn't think that she meant to be abusive or disruptive. I think they are friends and she did it that way, and I hope that that's the way it was meant.

MS. SIMMONS: Smiling Jack killed nine people in London and smiled all the way through it.

MS. CORN: I suggest you take a trip fast.

MR. BALDWIN: Delegate Nixon?

MS. MAGUIRE: See, that's what I'm talking about.

MR. BALDWIN: This is a serious matter and the Chair is definitely taking it seriously.

MR. NIXON: Although the delegate has been at some times out of order, I feel that she did get elected, she did come here to do some work, and if people don't want to second her motions or anything, just don't do it and we can move expeditiously. We have wasted five minutes debating whether

she's out of order or not.

I don't think we should remove anybody because we will be displacing Ward 3 as far as their having five delegates being represented here. So, I don't think she should be removed, but steps should be taken and she should personally feel that she should behave herself.

MR. BALDWIN: The important thing is that it is on the record.

Delegate Freeman, and then we'll proceed.

MS. FREEMAN: I'm not sure I have the policy exactly in my head, Mr. Chair, but I feel that when a delegate speaks consistently out of turn, it totally disrupts our ability to function. And I do think that after being reprimanded for speaking out of turn, the Chair should no longer recognize the delegate who consistently, constantly interrupts other delegates and speaks out of turn. I do think that that should be something that this body could agree upon, rather than expulsion.

MR. BALDWIN: Is that the consensus of this body?

MR. THOMAS: Consensus.

MS. NAHIKIAN: At this point, yes.

MR. BALDWIN: The Chair will be so advised.

Delegate Corn, will you present your amendment,

please?

MS. CORN: I'd like to speak now on a point of personal preference.

MR. BALDWIN: Delegate Corn --

MS. CORN: Just a minute; I'm going to have my say. When I was called upon to give my two amendments, delegate Kameny and everybody else was talking.

MR. BALDWIN: Delegate Corn --

MS. CORN: It seems to me that you have two sets of rules, Mr. Vice President. You have one set for me and Rothschild and sometimes for Brian Moore, and another set of rules for the others. I'm sick and tired of your making up rules as you go along, twisting Roberts Rules to what is convenient for you or what you like. I find you a very uneven-handed Chair, and I really don't think you know the rules that well.

I think you ought to step down in favor of Ms. Freeman, who knows the rules eminently well and runs these meetings extremely smoothly.

MR. BALDWIN: Delegate Jones?

MS. JONES: Mr. Chairman, if it is in order, I move that delegate Corn be censored by removing from her the right to speak the rest of this night.

(The motion was duly seconded.)

MS. CORN: Well, if that is the case, then I'm leaving. You can all keep your Style and Drafting chairmanship and do anything you please.

MR. BALDWIN: It has been moved and properly seconded. Will you state the motion, Mr. Secretary?

MR. COOPER: The motion as set forth by delegate Jones is that delegate Corn be censored for the remainder of tonight's session.

MR. BALDWIN: Delegate Mason and delegate Bruning.

MS. MASON: Mr. Vice President, I have a question which is a very serious question. Does this body have the power to put anybody out who has been elected by the people?

MR. BALDWIN: Yes, the body can put them out. It doesn't matter because we're elected by the body.

MS. CORN: I hereby resign the chair of Style and Drafting. You can do your own work.

MR. BALDWIN: In answer to your question, yes, Roberts Rules of Order does provide for such.

MR. ROTHSCHILD: Gloria, stay here.

MS. CORN: I am not staying. I have been beaten up by that bully. And then listen to this crap? No way; there is no way.

MS. MASON: Excuse me, Gloria.

Mr. Chairman, we were not elected by Roberts Rules, and I don't know if we have -- I'm giving you something to think about because I don't have the answer. Do we have the power to put somebody out who was elected according to the rules of the District of Columbia? I think we have to be very careful about what we do.

MR. BALDWIN: I concur with you, delegate Mason. Delegate Bruning?

MR. BRUNING: Yes. I would urge that we not take that step. This has been a long, arduous process for many of us, obviously, but I wish we would take another deep breath and draw back from what I consider to be a very drastic action.

MR. BALDWIN: Delegate Jordan?

MR. JORDAN: Mr. Chairman and fellow delegates, I think there's a crucial point that we're missing here this evening in our generosity and everything else. The fact of the matter is that we must have discipline, and it has been demonstrated that some of the delegates to this convention -- and I won't go into names so that someone won't talk about a point of personal privilege -- but there have been delegates who have not shown respect to the elected officers of this

convention. They haven't shown respect to fellow delegates in this convention, and they haven't shown respect for themselves.

Now, what disturbs me is that I keep hearing delegates say, on the one hand, that they want the rules adhered to. On the other hand, when it serves their convenience, they don't want the rules adhered to. I hear delegates say, "Let's stick with Roberts Rules." They will go and get Roberts Rules and they'll show us what Roberts Rules says when it serves their ends.

On the other hand, when someone else picks up Roberts Rules and says that this is what we can use to stop the disruption -- Roberts Rules speaks to dilatory motions, it speaks to motions which tend to tie up and obstruct the progress of the convention -- then the delegates say we are being unfair.

Now, the unfairness issue has risen several times, and I think this convention has gone out of its way to be fair to individuals in this process. But I think that we need to put our foot down at some point, and we can't keep vacillating because in the process of vacillating, we don't show people that we are serious in terms of getting the work done.

Now, I know that delegates are elected from their